

III. Remarks

Claims 2, 3, 5 - 7, 12 - 23, and 25 - 30 are pending in the application. The application has been amended to more particularly point out and distinctly claim the subject matter indicated by the Examiner to be allowable in the June 18, 2003 communication. With regard to the various bases of the **DETAILED ACTION**, applicant responds:

A. The claim objection:

The typographical error in claim 18 is corrected.

B. The claim rejection under 35 USC § 112:

Concerning the Examiner's request for a clarification of the term "system," the system herein involves a method (specified and interrelated operational steps) and means (devices operated in accordance with the prescribed steps) co-operatively configured to work to accomplish a useful objective. Applicant's use of "system" is considered to be consistent with the traditional definition of a "system" by the Patent Office. [A search of the USPTO database in the Claims category identified 482600 patents as including the word "system" in the claims.]

C. The claim rejection under 35 USC § 102 and the allowable claims:

While applicant disagrees with the rejection of claims 2, 3 and 5 - 24 under 35 USC 102(b), applicant submits that the rejection is mooted by the present amendment to independent claims 18 and 19 which restates, former dependent claims 10 and 11 consistent with the Examiner's statement concerning "Allowable Subject Matter." Claims 18 and 19 include the limitations of the base [18 and 19] and intervening [8 and 9] claims. Applicant notes that base claims 18 and 19 are

amended to refer consistently to a "financial instrument," replacing the occurrence in the preamble of "paper and electronic." A "visually perceptible record" from which an image is derived is referred to consistently in the claims. Specific claims referring to the format of the "image" involved are unnecessary; the Specification, *inter alia*, at page 29, line 20 through page 30, line 9 describes numerous image options. Accordingly, claims 2, 3, 5 - 7, 12 - 17, 20 - 23, and new claims 25 - 30, each dependent on claims 18 and 19 should similarly be allowable. Claims 25 and 26 relate to disposal of the instrument and claims 27 - 30 conform the claims dependent on claim 18 and claim 19 with each other.

Claim 24 is cancelled without prejudice in favor of prosecution, in a continuing application, of an amended claim and other claims of varying scope that are considered to better define the payment system subject matter of the invention.

D. Conclusion

As evidenced by the foregoing amendment and remarks, applicant respectfully submits that the present application, now including claims 2, 3, 5 - 7, 12 - 23, and 25 - 30, is in condition for allowance. Should the Examiner have any questions or suggestions in view of the foregoing, the Examiner is requested to telephone applicant's undersigned attorney.

Reexamination, reconsideration and allowance are respectfully requested.

Respectfully submitted,



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I hereby certify that this Response to the Official Communication Mailed on June 18, 2003, and Transmittal Form (Form PTO/SB/21) are being filed by facsimile to 703-305-7687, Attention Examiner Sandra S. Snapp, Group 3624 [c/o Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450] on July 11, 2003.


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In re:

Serial No.: 09/309,131
Inventor: Terry L. Geer
Filed: May 10, 1999
For: System For Depositing And Submitting Commingled Paper And
Electronic Financial Instruments Into The Payment System And
For Effecting The Payment Thereof

Group Art Unit: 3624
Examiners: Sandra S. Snapp

Atty. Docket No.: 0258100-100244

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